FROM : 'UNIVERSITY OF NEVADA BIOLOGY

PHONE NO.: 775 784 1302

Aug. 13 2007 05:11PM P2

<u>PATENT</u>

Attorney Docket No.: 18941H-002911US

Client Ref. No.: B98-006-2

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P.O. Box 1450

Alexandria, VA 22313-1450

By: Ihalu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GOODMAN et al.

Application No.: 10/826,812

Filed: April 16, 2004

For: ROBO: A NOVEL FAMILY OF POLYPEPTIDES AND NUCLEIC

**ACIDS** 

Customer No.: 20350

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Confirmation No. 1573

Examiner:

Olga N. Chernyshev, Ph.D.

Technology Center/Art Unit: 1649

DECLARATION UNDER 37 C.F.R. §

1.131

We, Corey S. Goodman, Thomas Kidd, Kevin J. Mitchell, and Guy Tear were at the time of the invention employed by the Regents of the University of California, the assignee of the above-referenced patent application.

We are the co-inventors of the subject matter described and claimed therein.

We conceived of and reduced to practice the claimed invention in the United States prior to October 10, 1997. Attached Exhibit A provides evidence of the conception of the invention and its reduction to practice. The experiments described in Exhibit A were performed prior to October 10, 1997. This work was done by us, or under our supervision.

Exhibit A, with dates redacted therefrom, is a printout of laboratory records showing the amino acid sequence of human Robo-1. The raw sequence file data were saved to an optical disk. The pages in Exhibit A show a computer analysis of sequence data comparing

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Appl. No. 10/826,812 Thomas Kidd, Ph.D. Declaration under 37 C.F.R. § 1.131

the human Robo-1 (H-Robo1 pep) sequence to those of other Robo proteins. The amino acid sequence was determined based on nucleic acid sequence. H-Robo1 pep includes the extracellular domain (five immunoglobulin domains and three fibronectin domains). Amino acids 68-167 of H-Robo1 pep are the first immunoglobulin domain and correspond to amino acids 68-167 of SEQ ID NO:8 in the application.

In view of the foregoing, we respectfully submit that the evidence provided in Exhibit A unequivocally establishes that the basic inventive concept of the claimed invention was conceived of and reduced to practice prior to October 10, 1997.

We further declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated:	Corey S. Goodman
Dated: 8 13/07	Jon Kidd Thomas Kidd
Dated:	Kevin J. Mitchell
Dated:	Guy Tear

	Inment Report of Untitled, using Clustal method with PAM250 residue weight table.  MX H X L X X X X S X T X N H I P Madanth	Pa
	10 Pajority	
1	MHPMHPENHAIARSTSTTNN	
1	MKWKHVPFLVMISLLSLSPNHLFLA-QLIPH-Robol pep	
1	MY	•
	THE THE HTHTHTY INFDKIP U88183 COMPANY V2 PC	Þ
	X X S X X - R N - I -	
	40 50 Majority	
2	SRSRSRMWITTER	
0	DPEDVERGNDHGTPIPTSDNDDNSLGYTGSH-Robol pep	
4	NASNL	
	- vools composite pep	
	RXXPRIIEHPXDLVVSKGEPATLNC Majority	
1	AVRGQYQSPRITEHPTDLVVKKNEPATLNC D-Robo pep	
,		
)	ENFRIIEHPMDTTVPKNDPFTFNCPredicted D-RoboII v2 pep	
	KAEGXPTPTIEWFKDGEPVXTNK-DXXSHR Majority	
	120	
	KVEGKPEPTIEWFKDGEPVSTNEKKSNR D-Robo pep KAEGRPTPTIEWYKGGERVETDKDDPRSHR H-Roboi pep	
	PAR S NP WRITE OWER KD GRET, KT DT C C S HD Drods about D polyant and	
	GAK-PSTAKITWYKDGQPVITNKEQVNSHR U88183 composite pep	•
	IXLPXGSLFFLKVXHGK KESDAGXYWCV Majority	
	130 140 150	
6	VQFKDGALFFYRTMOGKKFODGGFYWCYD-Robo nen	
0	MLLPSGSLFFLRIVHGRKSR-PDEGVYVCVH-Robot peo	
	IMLPAGGLFFLKVIHSRRESDAGTYWCE Predicted D-Roboll v2 pep IVLDTGSLFLLKVNSGKNGKDSDAGAYYCV U88183 composite pep	
	AKNEXGEAVSRNASLQVAVLRDDFRVEPXD Majority	
	160 170 180	
4	KNRVGOAVSRHASLQIAVLRDDFRVEPKD D-Robo pep	
7	ARNYLGEAVSHNASLEVAILRDDFRQNPSDH-RoboI pep KNEFGVARSRNATLQVAVLRDEFRLEPAN Predicted D-RoboII v2 pep	
L	ASNEHGEVKSNEGSLKLAMLREDFRVRPRT U88183 composite pep	
	VRVAXGEXAVLECGPPRGXPEPTISWRKDG Majority	•
	1 190 200 210	•
4	RVAKGETALLECGPPKGIPEPTLIWIKDG D-Robo pep	
9	MVAVGEPAVMECQPPRGHPEPTISWKKDGH-Robot pep	
L L	RVAQGEVALMECGAPRGSPEPQISWRKNG Predicted D-Roboll v2 pep /QALGGEMAVLECSPPRGFPEPVVSWRKDD U88183 composite pep	

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Alignment Report of Untitled, using Clustal method with PAMESO residue weight table.
                           ----RITIVDGGNLXIXXV Majority
                      220
                                         230
 194
        PLDDLKAMSFGASSRVRIVDGGNLLISNV D-Robo pep
         LDD-KD-E----RITIRG-GKLMITYT H-Robol pep
 209
 141
                 QTLNLVGNKRIRIVDGGNLAIQEA Predicted D-Roboll v2 pep
     KELRI-QDMP----RYTLHSDGNI, IIDPV U88183 composite pep
 171
     RXSDXGXYQCVAXNMVGTRESXXAXLXVXV majority
                     250
                                       260
                                                         270
    EPIDEGNYKCIAQNLVGTRESSYAKLIVQV D-Robo pep
RKSDAGKYVCVGTNMVGERESEVAELTVLE H-RoboI pep
RQSDDGRYQCVVKNVVGTRESATAFLKVHV Predicted D-RoboII v2 pep
DRSDSGTYOCVANNMVGERVSNPARLSVFE U88183 composite pep
224
    KPXFXKEPKDQTVXVGXSAXFXCRVGGDPX Majority
                    280
                                       290
    KPYFMKEPKDOVMLYGQTATFHCSVGGDPPD-Robo pep
RPSFVKRPSNLAVTVDDSAEFKCEARGDFVH-RoboI pep
254
2ଗ
    RFFLIRGPONOTAVVGSSVVFOCRIGGDPL Predicted D-Roboll v2 pep
195
    KPKFEQEPKDMTVDVGAAVLFDCRVTGDPQ U88183 composite pep
225
    PXVLWKKXX--GNMPVSRA--LH----YX Majority
                    310
                                      320
    PKVLWKKEE--GNIPVSRARILH----- D-Robo pep
PTVRWRKDD--GELPKSK-----YE H-Robol pep
284
291
    PDVLWRRTASGGNMPLRKFSWLHSASGRVH Predicted D-Roboll v2 pep
225
    POITWKRKN--EPMPVTRA-----YI U88183 composite pep
255
    XXDDRSLKIXXVTPXDEGEYVCEAXNXVGX Majority
                                                        360
                    340
                                      350
    --DEKSLEISNITPTDEGTYVCEAHNNVGQD-Robopep
IRDDHTLKIRKVTAGDMGSYTCVAENMVGKH-RoboI pep
VLEDRSLKLDDVTLEDMGEYTCEADNAVGG Predicted D-RoboII v2 pep
305
309
255
    AKDNRGLRIERVQPSDEGEYVCYARNPAGT U88183 composite pep
    I E A S A X L T V Q A P P X F V X K P X D Q X V X L G G T V
                                                           Majority
                                      380
    ISARASLIVHAPPNFTKRPSNKKVGLNGVVD-Robo pep
AEASATLTVQEPPHFVVKPRDQVVALGRTVH-RoboI pep
ITATGILTVHAPPKFVIRPKNQLVEIGDEVPRODIV2 pep
339
    LEASAHLRVQAPPSFOTKFADQSVPAGGTA U88183 composite pep
    TFECXAXGNPXPAXFWSKEGXSXLLFPSYX Majority
                                       410
                                                        420
                    400
    QLPCMASGNPPPSVFWTKEGVSTLMFPNSS D-Robo pep
TFQCEATGNPQPAIFWRREGSQNLLF-SYQH-RoboI pep
LFECQANGHPRPTLYWSVEGNSSLLLFGYR Predicted D-RoboII v2 pep
369
315
    TFECTLVGQPSPAYFWSKEGQQDLLFPSYV U88183 composite pep
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Page:

	VNVSRTSVTLSWXX	XCVVC	weight table,
	640	SAASGGGPI	T G Y I I Majority
55	LNVSPPCTA		660
57(	B LNVSRTSISLRWAR D TDVSRNTVTLSWQE VEKGENSVTLSW	SOEKPGAVGPI	I G Y T V D-Poho
520 568	TDVSRNTVTLSWOF VEKGENSVTLSWTR VNVTDTEVEL	SNKVCCC	TSYII H-Robol pen
350	VNVTDTEVELHWNA	PSTSGAGPT	TSYII H-RoboI pep VGYVI Predicted D-RoboII v2 pep TGYII U88183 composite pep
	EYFSPDLGXGWYYY		1 9 1 1 1 U88183 composite pep
	EYFSPDLGXGWXXV	AXRVXXTTXTI	KGLKP Majority
588	u 0,0	680	-I
597	EYFSFDLQTGWIVA FAFSHASGSSWQTV	AHRVGDTQVTIS	GITP D-Robo pen
548	PMPGKNETDOMVAV		L L K P H-Robol pep
596	QYYSPDLGQTWFNI	PDYVASTEYRTE	G L K P H-Robol pep G L L P Predicted D-Roboll v2 pep G L K P U88183 composite pep
			confidence beb
	GXSYXFLVRAENXX	SISXPSXXSXPV	TTXX Majority
~~	700 ·	710	720
618 627	GTSYVFLVRAENTO NAIYLFLVRAANAY	ISVPSCLSNVI	KTIE D-Robo pep
578	GVNYFFLIRAENSH	S I S I P S I M S E P I	KT H-Robol pep TVGT Predicted D-Roboll v2 pep
<b>6</b> 26	SHSYMEVIRAENEK	IGTPSVSSALV	T T S K U88183 composite pep
	XX-QLXXXSGXDI	•	•
640	730	740	750
648 655	ADFDAASANDI QDVLPTSQGVDE	SAART-LLTGK	S V E L D-Robo pep
608	R,Y = FN SGLDL	SEARASLLSGD	V V E L Predicted D-RoboII v2 pep
656	PAAQVALSDKNKMDM	IAIAEKRITSEQ	LIKL U88183 composite pep
	XNASVINSSAVRLXW	X X X X X E K Y V	E G Y Y Majority
	760	\ \ 770 \\	780
673	IDASAINASAVRLEW		Contract to the contract of th
681	HNPTVLSSSSIEVHW	TVDQQSQYI	QGYKH-RoboI pep
632	SNASVVDSTSMKLTW	OIINGKYV	E G F Y Predicted D-RoboII v2 pep
686	EEVKTINSTAVRLFW	KKKKLEEKII	DIGITY 088183 composite pep
	IXYRP		<u> </u>
	790	800	810
703	IHYKDASVP		D-Robo pep
709	ILYR		H-Robol pep
659 714	VYARQLPNPIWNNPA	PVTSNTNPLLG	S T. S T' Predicted D-RoboII v2 pep U88183 composite pep
	,	•	
			EXN- Majority
	820	830	840
712 713		PSGANHG	D-Robo pep
689	SASASASALISTK	PNIAAAGKRDG	E S D - H-Robol pep E T N Q Predicted D-Roboll v2 pep
718		PPRT	N D N - U88183 composite pep

Alignment Report of Untitled, using Clustal method with PAM250 residue weight table. ----YXXVTXVXXPAXSSXVVX Majority Page 5 850 860 712 870 ----SAQYHSITVMDASAESF-VVG D-Robo pep 723 WLVFEVRTPAKNSVVIP H-Robol pep SGGGAPTPLNTKYRMLTILNGGGASSCTIT Predicted D-Roboll v2 pep 719 726 ---- QYV-NVTSPSTENYVVS U88183 composite pep NLXKYTNYEFFXXPF---FXSIEGAPSNSK Majority 890 NIKKYTKYEFFLTPF---FETIEGQPSNSK D-Robo pep DIRKGVNYEIKARPF---FNEFQGADSEIK H-Robol pep 740 GLVQY:TLYEFFIVPF---YKSVEGKPSNSR Predicted D-Roboll v2 pep NLMPFTNYEFFVIPYHSGVHSIHGAPSNS 4 U88183 composite pep 749 XALTLEDVPSAPPXGVXIXMLN--XTAXXV Majority TALTYEDVPSAPPDNIQIGMYN--QTAGWVD-Robo pep FAKTLEEAPSAPPQGVTVSKNDGNGTAILVH-Robol pep 759 767 IARTLEDVPSEAPYGMEALLUN--SSAVFL Predicted D-Roboll v2 pep DVLTAEAPPSLPPEDVRIRMENL -- TTLRI U88183 composite pep SWKAPPXDXXNGXLXGYKVXVXGXXTXXN~ Majority 940 960 787 RWTPPPSQHHNGNLYGYKIEVSAGNTM--- D-Robo pep
797 SWQPPPEDTQNGMVQEYKVWCLGNETRYH- H-RoboI pep
804 KWKAPELKDRHGVLLNYHVIVRGIDTAHNF Predicted D-RoboII v2 pep SWKAPKADGINGILKGFQIVIVGQAPNNN - U88183 composite pep 800 LXNXTXDAXTXSVVLXNLVTGXXYSVR Majority 970 980 - K V L A N M T L N A T T T S V L L N N L T T G A V Y S V R D-Robo pep
- - - - I N K T V D G S T F S V V I P F L V P G I R Y S V E H-Robo T pep
S R I L T N V T I D A A S P T L V L A N L T E G V M Y T V G Predicted D-Robo II v 2 pep
- - - - R N I T T N E R A A S V T L F H L V T G M T Y K I R U88183 composite pep 814 826 834 829 VAAXTNAGVGVYSXPXXLXLDP-T----PX Majority 1000 1010 1020 LNSFTKAGDGPYSKPISLFMDP-THHVHPPD-Robo pep VAASTGAGSGVKSEPQFIQLD----A H-RoboI pep 843 852 VAAGNNAGVGPYCVPATLRLDFITKRLDP-Predicted D-Roboli v2 pep VAARSNGGVGV--------S U88183 composite pep HGXPXXXXDQXXLXQXLXXXNXXXXFXXGI Majority 1030 1040 1050 RAHESGTHDGRHEGODITYHNNGNIPPGDTD-Robo pep HGNDVSPEDQVSIAOQISDVVKQPAFIAGIH-Robol pep 872 874 ---- Predicted D-Roboll v2 pep HGTSEVIMNODTLEKHIAAQQENESELYGL U88183 composite pep

P X P Y Y	sidue weight table.
P X P Y X L D A X X X X P V I	PXPPYV
1270 1280	Majority Majority
1069 H S B V C	1290
1111 P V Q Y N I V E Q N K L N K D Y R A N D T V E 1075 P A P Y A T S S I L S P H C	A V P V V K S D-Robo pep
1075 PAPYA TSSILSPHO	PTIEYNQ H-RoboI pep
LNDKMIRAPAMPTNPV	PERP Predicted D-Roboll v2 pep
1054	A U88183 composite pep
G - G - G	Majority
1300 1310	1320
1089 NYLQYPVEP	1020
1141 SYDQNTGGSYNSSDRGSSTSGSQ 1096 RYQQRPVPGYGLQR	GHKKCAD HENDO pep
1096 RYQQRPVPGYGLQR	The Ark H-Robol pep
1070 RIADHTAGRRSRSSRASDGRGTL	T = 7 - 7 - W88183 composite non
	overosite pep
GGXNWXXXLPPPPXHPI	PXSTXX Majority
1340	1350
1098INWSEFLPFPEHP:	PSSTYG D-Robo nen
	<b>(환) 발표되지 수 또 ㅋ ㅋ ㅋ</b>
1099 N G G L H	A Q Q H Q Predicted D-Roboll v2 pen
1033 N G G L H	U88183 composite pep
	Majouit.
1360 1370	Majority
	1380 ····
1119YAQGSP	D-Robo pep
1201 EYNISVDESYDQEMPCPVPPARMY 1131QHQALQ	LQQDEL H-RODOT pep
1104	Predicted D-RoboII v2 pep U88183 composite pep
	000103 composite pep
EXXRXSXSXXRSXXSTXXXVS	Y X X X H S Majority
1390 1400	1410
1125 ESSRKSSKSAGSGISTNQSIL	•
1231 EEEEDERGPTPPVRGAASSPAAVS	YSHOST H-Robot pep
1137 Q H Q Q L P P S N I Y Q Q M S T T S E I Y	PTNT-G Predicted D-Roboll v2 pep
1104HRTSGSQ-RSDSPPHTDVS	Y V Q L H S U88183 composite pep
SSXTGSSXEX POYX CPXETG	X X X H X P Majority
1420 1430	1440
1152 SSSGGFSAWGVSPOYAVACPPENV	YSNPLS D-Robo pep
1261 ATLTPSPQEELQPMLQ-DCPEETG	HMQHQPH-Robol pep
1163 PSRSVYSEQYYYPKDKQ	RHIHIT Predicted D-RoboII v2 pep
1128 SDGTGSSKERTG	ERRTPP U88183 composite pep
X X X L P P P P P = - P P P X X H X Y	X X A P Majority
<u>X X X L P P P P P P P X X H X Y</u> 1450	·
	1470
1182 AVAGGTQNRY	QITP D-Robo pep
1290 DRRRQPVSPPPPPRPISPPHTYGY	EAAP Predicted D-Robott v2 nen
1186 ENKI SNC H TY 1146 NKTL MDF I PPPPSNP - PPPGG H VY	DTA U88183 composite pep

	K G	DSXQXQLQLX	XXGXSXEAXGXX	
		1690	1700	•
130	7	OSHKROTOTE		1710
153	OKGREVL	DGRQVVDMRT	E H G S S A K Q R G G H I N P G D P R E A Q E Q Q I P L V P O H P A P G H I	HR D-Robo pep
121	7 KAKAAA	QPPQQQQQLI	PLVPQHPAEGHT	ND H-Robol pep  S Predicted D-Roboll v2 pep  S E U88183 composite
			— — ·	- corred crimosite bed
	GRXXXX	XXXXXD-PXX	EXXLXEXXXLXY-	- Majoritu
1331	RRAPVV	QPCMESEN		1
1320	CKGRGN	KAAKRDLPPA	ENMIAEYEQRQY- KTHLIQEDILPYC	R H-Robot non
1247	G	KSSRKN GQ	ECI-KEPSELIY-	R H-RoboI pep  Predicted D-RoboII v2 pep  IR8103
				coores composite beb
•		PRDXXSSS	RXXXXCSGSXGXX	L_Majority
		1750	4 17 44	770
1357		- TSDCCNSS	700	
1354	PTFPTSN		SMCCDCSASS	<b>a</b> to
			R L A H S C Y G T N G T A	
		· Land of Land	TARSETETNETA	Q 088183 composite pep
	<u> </u>		ESGEXNNXQXTX	X Majority
		1780		300
1379	Y A		EAGEPAPROMTA	I. K D-Robo pep T H-RoboI pep H Predicted D-RoboII v2 pep
1620	ANVGRRN	IAEMQVLGGY	ERGEDNNEELEE	T H-RoboI pep
1365	L S		- NSGSGTSSQPAG: RSIPRNNGIVTQ:	H Predicted D-RoboII v2 pep
1201	K		RSIPRUNGIVIQI	E U88183 composite pep
	NT			Majority
1394				D-Robo pep
1650				H-Robol pep
1380 1296				Predicted D-Roboll v2 pep U88183 composite pep
1230	× 11			ocetes criticatre beb

Decoration 'Decoration #1': Shade (with solid black) residues that match the Consensus exactly.